

IN RE: PETITION FOR RESIDENTIAL VARIANCE BEFORE THE  
N/S Spring Avenue, 290' E of the  
c/l of Halethorpe Avenue  
(4518 Spring Avenue)  
13th Election District  
1st Councilmanic District  
Joseph C. Hiltner, et ux  
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 5 feet in lieu of the required 10 feet for a proposed two story garage addition in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 22-26 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 26th day of June, 1991 that the Petition for Residential Variance to permit a side yard setback of 5 feet in lieu of the required 10 feet for a proposed two story garage addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Petitioners shall not allow or cause the proposed garage addition to be converted to a second dwelling unit and/or apartments. The subject dwelling shall contain only one kitchen.
- 3) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

*J. Robert Haines*  
ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH:bjs

ORDER RECEIVED FOR FILING  
Date 6/26/91  
By [Signature]

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

June 26, 1991

Mr. & Mrs. Joseph C. Hiltner  
4518 Spring Avenue  
Baltimore, Maryland 21227

RE: PETITION FOR RESIDENTIAL VARIANCE  
N/S Spring Avenue, 290' E of the c/l of Halethorpe Avenue  
(4518 Spring Avenue)  
13th Election District - 1st Councilmanic District  
Joseph C. Hiltner, et ux - Petitioners  
Case No. 91-446-A

Dear Mr. & Mrs. Hiltner:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Residential Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH:bjs

cc: People's Counsel

File

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

91-446-A

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/they presently reside at 4518 Spring Ave  
Baltimore Md. 21227  
(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty)

Not enough property within building line  
Need extra room for new baby (born 1-2-91)  
House only 2 bedroom - now have 3 children  
Unsquare side building line affecting only rear corner

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a protesting and advertising fee and may be required to provide additional information.

*Joseph C. Hiltner*  
AFFIANT (Handwritten Signature)  
*Joseph C. Hiltner*  
AFFIANT (Printed Name)

*Carolyn Hiltner*  
AFFIANT (Handwritten Signature)  
*Carolyn Hiltner*  
AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 26th day of June, 1991, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

*Joseph C. Hiltner*  
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

DATE

NOTARY PUBLIC

My Commission Expires: 12/91

Zoning Description

Beginning at a point on the north side of Spring Ave. which is 30 feet wide, at the distance of 25.40' from the center line of Spring Ave. Being known and Designated as Lot no. 2 as shown on the plat of Cleaver R. Poag Property - subdivision Halethorpe Terrace - which plat is recorded among the Land Records of Baltimore County in Plat Book EHK Jr no 44 folio 138 containing 10,930+ square feet (0.251 acres) also known as 4518 Spring Ave and located in the 13th Election District.

LAST NAME OF OWNER: HILTNER TOTAL: \$60.00



Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Account: R-001-6150  
Number

receipt

Date

DATE: 6/26/91

AMOUNT: \$60.00

DATE: 6/26/91

DATE: 6/26/91

DATE: 6/26/91

Please Make Checks Payable To: Baltimore County

\$60.00

Cashier Validation

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 13th Date of Posting: 6/26/91

Posted for: [Signature]

Petitioner: [Signature]

Location of property: 4518 Spring Ave

Location of Sign: [Signature]

Remarks: [Signature]

Posted by: [Signature] Date of return: 6/26/91

Number of Signs: 1

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section

Sec. 1802.3C1 to allow a 5' side yard setback  
in lieu of the required 10' in a DR.5.5 zone

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons:  
(Indicate hardship or practical difficulty)

1. Not enough property within building line
2. Need extra room for new baby (born 1-2-91)
3. House only 2 bedroom - now have 3 children
3. Unsquare side building line affecting only rear corner of addition

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

City/State/Zip Code

Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

Name

Address

Phone

ORDERED by the Zoning Commissioner of Baltimore County, this 26th day of June, 1991, that the subject matter of this petition be posted on the property on or before the 26th day of June, 1991.

ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED,

IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this 26th day of June, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be reposted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 109, County Office Building in Towson, Baltimore County, on the 26th day of June, 1991, at 10 o'clock, a.m.

ESTIMATED LENGTH OF HEARING: 15 MIN.

DATE: 6/26/91

DATE: 6/26/91

DATE: 6/26/91

DATE: 6/26/91

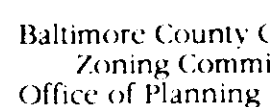


ZONING COMMISSIONER OF BALTIMORE COUNTY

ORDER RECEIVED FOR FILING

DATE: 6/26/91

DATE: 6/26/91



Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

May 31, 1991

887-3353

Mr. & Mrs. Joseph C. Hiltner  
4518 Spring Avenue  
Baltimore, Maryland 21227

Re: CASE NUMBER: 91-446-A

LOCATION: N/S Spring Avenue, 290' from c/l of Halethorpe

4518 Spring Avenue

Dear Petitioner(s):

Please be advised that your petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before June 5, 1991. The last date (closing date) on which a neighbor may file a formal request for hearing is June 20, 1991. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reporting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your Order to be held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

G. G. Stephens  
(301) 887-3391

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

June 11, 1991

Mr. & Mrs. Joseph C. Hiltner  
4518 Spring Avenue  
Baltimore, MD 21227

RE: Item No. 449, Case No. 91-446-A  
Petitioner: Joseph C. Hiltner, et ux  
Petition for Residential Variance

Dear Mr. & Mrs. Hiltner:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE MINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

*James E. Dyer*  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this  
23rd day of May, 1991.

*J. Robert Haines*  
J. ROBERT HAINES  
ZONING COMMISSIONER

Received By:

*James E. Dyer*  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Joseph C. Hiltner, et ux

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: June 10, 1991  
Zoning Commissioner

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Michael Prince, Item No. 420  
Michael J. MacCubin, Item No. 431  
Jay S. Lebow, M.D., Item No. 433  
Raymond A. Ricci, Item No. 434  
Terry W. Deitz, Item No. 435  
Kathleen B. Thompson, Item No. 436  
William Buzby, Item No. 437  
Thomas P. Sisk, Item No. 441  
Elmer S. Cochran, Item No. 444  
Richard W. Offutt, Item No. 448  
Joseph C. Hiltner, Item No. 449  
Jan Frederick, Item No. 451  
Joseph Klein, III, Item No. 452  
Carl W. Miles, Item No. 457

In reference to the Petitioners' requests, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

VARIED.ZAC/ZAC1

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: June 3, 1991

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting  
for June 4, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 431, 441, 442, 443, 448, 449, and 451.

For Items 432, 439 and 444, the previous County Review Group comments are still applicable.

For Items 445, 446, 450 and 453, County Review Group Meetings are required.

For Item 447, this site is subject to the previous minor subdivision comments.

*Robert W. Bowling*  
Robert W. Bowling, P.E., Chief,  
Developers Engineering Division

RWB:s

received  
6/14/91

Baltimore County Government  
Fire Department



700 East Joppa Road Suite 901  
Towson, MD 21204-5500

JULY 26, 1991

(301) 887-4500

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: JOSEPH C. HILTNER  
Location: #4518 SPRING AVENUE  
Item No.: 449 Zoning Agenda: JUNE 4, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *John P. Kelly* Noted and Approved: *John P. Kelly*  
Special Inspection Division Fire Prevention Bureau

JK/KFK

BUREAU OF TRAFFIC ENGINEERING  
DEPARTMENT OF PUBLIC WORKS  
BALTIMORE COUNTY, MARYLAND

DATE: June 26, 1991

TO: Mr. J. Robert Haines  
Zoning Commissioner

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: June 4, 1991

This office has no comments for items number 431, 441, 443, 447, 448, 449, 450, 451 and 453.

*Rahee J. Famili*  
Rahee J. Famili  
Traffic Engineer II

RJF/lvd

Dear John 91-446-A May 20, 1991  
Per our meeting on Wednesday May 15th at 245 PM, please find these enclosed items:

- ③ original petition/affidavit forms filled out, signed and notarized as indicated.
- ② copies of a plat with all information as we discussed at our meeting - added buildings and distances on both sides of property and noted front + rear orientation of neighboring (Houses) properties particularly rear yard of neighbor closest to proposed addition.
- ③ separate copies of zoning description
- ① set of 14 photos, marked to indicate approx. location of addition.
- ① copy of the 1"=200' scale official zoning map marked as indicated.
- ① copy of the 1"=200' aerial photo to map marked as indicated.
- ① check for \$60.00

Thank you for all your help and understanding. Please call if you need any additional information.

Joe Hiltner  
4518 Spring Ave  
Baltimore, MD 21227  
Phone # 247-4773


Sincerely,  
*Joseph Hiltner*

Plat to accompany Petition for Zoning <input checked="" type="checkbox"/> Variance <input type="checkbox"/> Special Hearing	
PROPERTY ADDRESS: 4518 Spring Ave	
Subdivision name: Halethorpe Terrace	
plat book: 14 lot: 138 lot # 2	
OWNER: Joseph + Carolyn Hiltner	
<i>Petitioner's Exhibit 1</i>	
LOCATION INFORMATION	
Councilmanic District: 1	
Election District: 13	
1"=200' scale map: ML-1M SW 6-D	
Zoning: D.R. 5.5	
Lot size: 0.251 10930 sq. ft.	
SEWER: <input checked="" type="checkbox"/> WATER: <input checked="" type="checkbox"/>	
Chesapeake Bay Critical Area: <input type="checkbox"/>	
Prior Zoning Hearings: <input type="checkbox"/>	
Zoning Office USE ONLY	
reviewed by: <i>J. Hiltner</i> ITEM #: 449	
date: 5-13-91	
prepared by: <i>J. Hiltner</i> Scale of Drawing: 1"=50'	




CASE NUMBER 91-446-A

PETITIONER'S EXHIBIT # 2




CASE NUMBER 91-446-A

CASE NUMBER 91-446-A



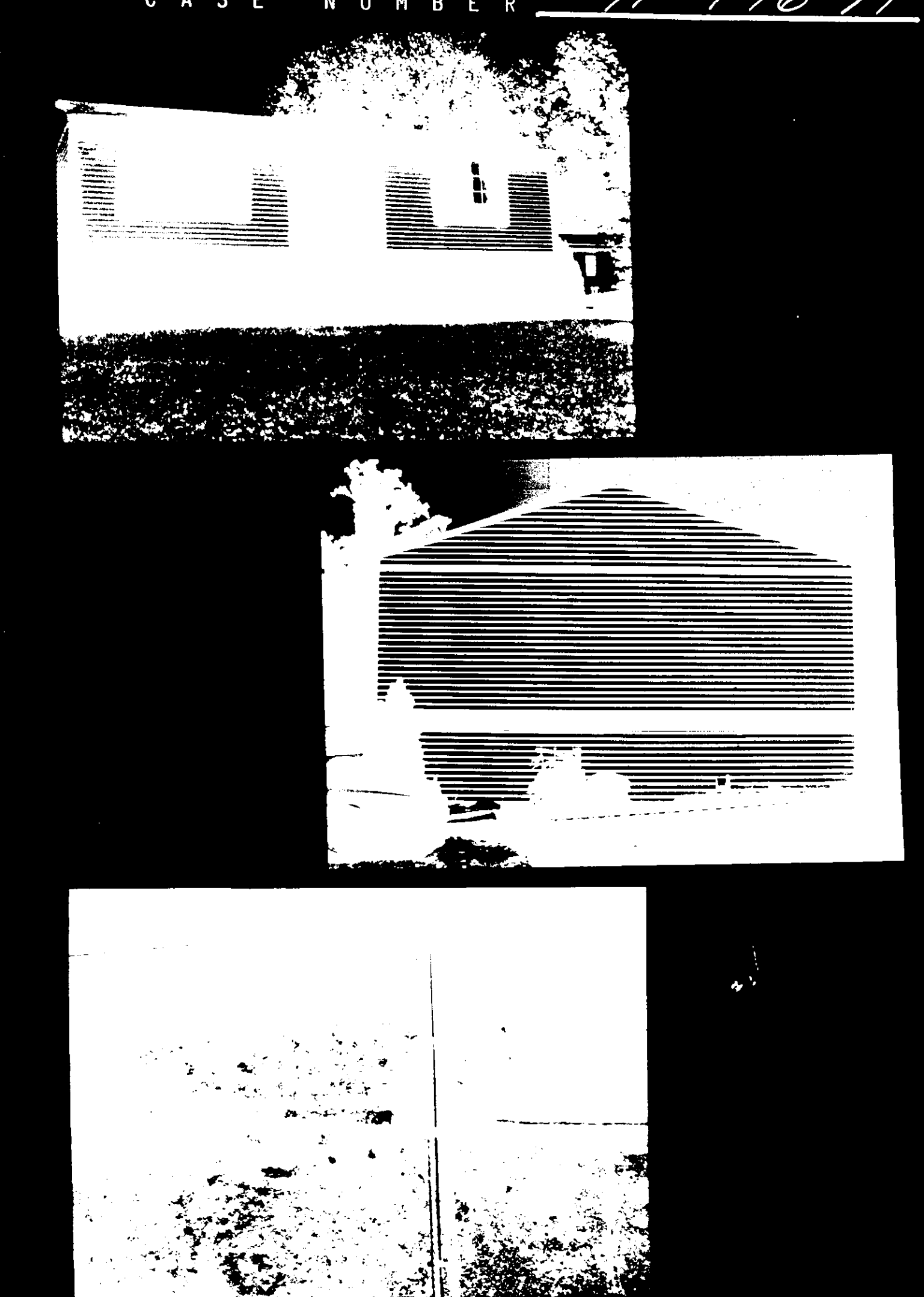
PETITIONER'S EXHIBIT # 3

CASE NUMBER 91-446-A




PETITIONER'S EXHIBIT # 4

CASE NUMBER 91-446-A



PETITIONER'S EXHIBIT # 5



PETITIONER'S EXHIBIT # 6

